



VIA: USPS Certified Mail  
Shipping Event: 1st

August 14, 2012

Nemacolin Woodlands Resort, Inc.  
1001 Lafayette Drive  
Farmington, PA 15437

President/Owner: Margarett Hardy Magerko  
1001 Lafayette Drive  
Farmington, PA 15437

## **SETTLEMENT AGREEMENT**

### **CITATION AND NOTIFICATION OF PENALTY**

We believe that you violated the Animal Welfare Act (7 U.S.C. § 2131 et seq.) (AWA), as described below.

#### **Date of Violation: August 11, 2010**

##### **9 C.F.R. § 3.125(a) Facilities, General.**

Respondent failed to maintain the primary enclosure for two hyenas so that it was structurally sound and in good repair to contain the animals. Two hyenas escaped from their primary enclosure, apparently through an open gate. Respondent captured one hyena and returned it to the enclosure. Respondent shot the second hyena, which subsequently died while being treated by the attending veterinarian. During an inspection later that day, APHIS officials observed areas of the perimeter fence which could allow a person or animal to slip through.

#### **Date of Violation: September 16, 2010**

##### **9 C.F.R. § 3.131(c) Sanitation. Housekeeping.**

Respondent failed to keep the premises clean and in good repair. APHIS officials observed dirty and unsealed kitchen flooring in need of a thorough cleaning.

#### **Date of Violation: September 16, 2010**

##### **9 C.F.R. § 3.131(d) Sanitation. Pets Control.**

Respondent failed to maintain an effective program of pest control as evidenced by rodent feces within the facility.



**Date of Violation: August 1, 2011**

**9 C.F.R. § 3.131(d) Sanitation. Pest Control.**

Respondent failed to maintain an effective program of pest control as evidenced by the excessive flies around the facility.

**Date of Violation: November 2, 2011**

**9 C.F.R. § 2.40(b)(2) Attending Veterinarian and Adequate Veterinary Care.**

Respondent failed to follow the program of veterinary care prescribed by the attending veterinarian for the monthly worming of the bison.

**Date of Violation: November 2, 2011**

**9 C.F.R. § 3.125(a) Facilities, General. Structural Strength.**

Respondent failed to ensure the control box for the hot wire remains active and secure from disablement. APHIS officials observed the hot wire as not active around the Sacred Buffalo enclosure. Respondent failed to ensure that the hot wire fencing is adequate in height and structurally strong enough with an effective level of circuit/power to contain large carnivores, specifically around the lions, the panther, tigers, and the cougar.

**Date of Violation: November 2, 2011**

**9 C.F.R. § 3.131(c) Sanitation. Housekeeping.**

Respondent failed to maintain the facility clean and in good repair as evidenced by the excessive accumulations of weeds and tall grasses between the cougar, leopard, and wolf enclosures.

**Date of Violation: February 29, 2012**

**9 C.F.R. § 2.40(b) Attending Veterinarian and Adequate Veterinary Care.**

Respondent failed to use appropriate methods to prevent, control, diagnose, and treat a marmoset exhibiting hair loss on its tail.

**Date of Violation: February 29, 2012**

**9 C.F.R. § 3.125(a) Facilities, General. Structural Strength.**

Respondent failed to construct the fencing around the wolf enclosure to ensure the wolves remain contained within the enclosure. APHIS observed the fencing around the wolf enclosure with lower heights by the primary shelter allowing the possible escape of the enclosed wolves.



**Date of Violation: February 29, 2012**

**9 C.F.R. § 3.127(d) Facilities, Outdoor. Perimeter Fence.**

Respondent failed to provide a perimeter fence around the wolf and cougar enclosures without gaps under the fence. Respondent failed to provide a perimeter fence on one side of the elk enclosure. Perimeter fencing protects the animals and public from injury.

The penalty amount for the alleged violations above is \$2,929.